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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yosuke Ando

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EXAMINER

SWINNEY, JENNIFER B

ART UNIT

PAPER NUMBER

3724

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,743	<b>Applicant(s)</b> ANDO ET AL.	
	<b>Examiner</b> JENNIFER SWINNEY	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendments filed 9 December 2009 have been entered. Claims 1-49 remain pending in the application.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a manipulating member”, Claim 7, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "manipulating member" is not supported by an enabling disclosure. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented and the subject matter which is claimed. In re Barker, 559 F.2d 588, 592 n.4, 194 USPQ 470, 473 n.4 (CCPA 1977).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 11, 14-16, and 18 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by DE 3531011 to Jens (a machine translation has been provided for the citing below).

In Re to Claims 1 and 18, Jens teaches a teaches a material guide device (Figs. 2,4), a guide bush (Fig. 4, 1), a material introducing end and a material lead out end (Fig. 4, Pg. 1, Para 9), a hollow tubular material support section (Fig. 2, 1) elastically displaceable in a radial direction about an axis (Fig. 2), an adjusting mechanism (Fig. 4,

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20,22,26) for adjusting a radial dimension of a material support section on a guide bush, an adjusting mechanism comprising, a carrying member (Fig. 4, 20) carrying a guide bush (Fig. 4, 1) and having a front face disposed around a material lead out-end of a guide bush (Fig. 4), and carrying a guide bush (Fig. 4,1) in a stat as to be secured in a rotational direction about a guiding axis (Fig. 4), a pressing member (Fig. 4, 22) disposed near a front face of a carrying member and moveable relative to a carrying member (Fig. 4) and able to make a relative linear motion along a guiding axis relative to a guide bush, the pressing member causing an elastic displacement in a radial direction on a material support section by a relative linear motion (Pg. 2, Para 7,8), a feed screw (Fig. 4, 26) disposed near a front face of a carrying member at a position remote from a material introducing end or a guide bush, for causing a relative linear motion between a pressing member and a guide push by a mutual screwing motion of threads (Fig. 4, 20,26).

In Re to Claim 2, a manipulation section (Fig. 4) disposed near a front face of a carrying member at a position remote from a material introducing end of a guide bush for manipulating a feed screw structure to cause a screwing motion (Fig. 4, 28).

Examiner notes, the placement of the device which manipulates the feed screw is capable of being at any optimal location near the device.

In Re to Claim 3, a feed screw (Fig. 4, 26) is provided between a carrying member (Fig. 4, 20) and a pressing member (Fig. 4, 22,26).

In Re to Claim 4, a guide bush (Fig. 4 ,1) is secured relative to a carrying member (Fig. 4, 20) in a direction along a guiding axis (Fig. 4).

In Re to Claim 5, a carrying member has an internal thread (Fig. 4) and a pressing member has an external thread (Fig. 4, 26) adapted to be screwed on an internal thread to constitute a feed screw structure (Fig. 4).

In Re to Claim 6, a carrying member has an external thread (Fig. 4) and a pressing member has an internal thread (Fig. 4, 26) adapted to be screwed on an external thread to constitute a feed screw structure (Fig. 4).

In Re to Claim 7, an adjusting mechanism (Fig. 4, 20,22,26) further comprises a manipulating member (Fig. 4) disposed near a front face of a of a carrying member (Fig. 4, 20) and adjacent to a pressing member (Fig. 4, 22, 26) and a feed screw structure (Fig. 4) is provided between a carrying member and a manipulating member (Fig. 4).

In Re to Claim 8, a guide bush (Fig. 4 ,1) is secured relative to a carrying member in a direction along a guiding axis (Fig. 4).

In Re to Claim 11, a feed screw structure (Fig. 4, 26) is provided between a carrying member (Fig. 4, 20) and a guide bush (Fig. 4, 1).

In Re to Claim 14, a fitting portion (Fig. 4) is provided between a carrying member (Fig. 4, 20) and a pressing member (Fig. 4, 22) capable of holding a carrying member and a pressing member in a coaxial arrangement relative to each other (Fig. 4).

In Re to Claim 15, a fitting portion (Fig. 4) is provided between a carrying member (Fig. 4, 20) and a guide bush (Fig. 4, 1), capable of holding a carrying member and a guide bush in a coaxial arrangement.

In Re to Claim 16, a fitting portion (Fig. 4) is provided between a pressing member (Fig. 4, 20) and a guide bush (Fig. 4, 1) capable of holding a pressing member and a guide bush in a coaxial arrangement.

6. Claims 1, 9, 10, and 12 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by EP 0475152 to Ishida.

7. In Re to Claim 1, Ishida teaches a teaches a material guide device (Figs. 1), a guide bush (Fig. 1, 8), a material introducing end and a material lead out end (Fig. 1), a hollow tubular material support section (Fig. 1, 8) elastically displaceable in a radial direction about an axis (Pg. 3, Para 4), an adjusting mechanism (Fig. 1) for adjusting a radial dimension of a material support section on a guide bush, an adjusting mechanism comprising, a carrying member (Fig. 1, 19) carrying a guide bush (Fig. 1, 8) and having a front face disposed around a material lead out-end of a guide bush (Fig. 1, 8), a pressing member (Fig. 1, 9) disposed near a front face of a carrying member and moveable relative to a carrying member (Fig. 1, Pg. 3, Para 4) and able to make a relative linear motion along a guiding axis relative to a guide bush, the pressing member causing an elastic displacement in a radial direction on a material support section by a relative linear motion (Pg. 3, Para 4), a feed screw (Pg. 3, Para 4) disposed near a front face of a carrying member at a position remote from a material introducing end or a guide bush, for causing a relative linear motion between a pressing member and a guide push by a mutual screwing motion of threads (Pg. 3, Para 4).

In Re to Claim 9, the feed screw structure (Figs. 1, 2, Para 4) is provided between a pressing member (fig. 1, 9) and a guide bush (Fig. 1, 8).

In Re to Claim 10, a guide bush (Fig. 1, 8) is secured relative to a carrying member (Fig. 1, 19) in a rotational direction about a guiding axis (Fig. 1)

In Re to Claim 12, a guide bush (Fig. 1, 8) is secured relative to a pressing member (Fig. 1, 9) in a rotational direction about a guiding axis (Fig. 1).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jens in view of US Patent No. 5,036,735 to Vakhidov et al.

In Re to Claim 13, Jens teaches an adjusting member, but does not teach an anchoring member disposed near a front face of a carrying member for inhibiting a screwing motion of a feed screw.

Vakhidov teaches it is old and well known in the art of adjusting members to utilize an anchoring member (Fig. 1, 12) to inhibit motion.

Examiner notes, anchoring members are old and well known, which are often utilized to inhibit motion prevent further motion. This allows for corresponding structures to properly align and remain in a desired position during a machining process.

Therefore, the anchoring member prevents unwanted movement to maintain accuracy and precision during a machining process. It would have been obvious to one having ordinary skill in the art at the time of invention to provide Jens with an anchoring

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member as taught by Vakhidov. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one having ordinary skill in the art at the time of invention.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure DE 19853525, JP 09038802, and SU 1131603.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571) 270-5843. The examiner can normally be reached on Monday-Friday, 7:30 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/  
Primary Examiner, Art Unit 3724

24 March 2010

/JS/